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FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

JUN 01 2001

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD REFERRAL: 00L-07
DATE ACTIVATED: 4/06/01

EXPIRATION OF STATUTE OF
LIMITATIONS: 9/02/04
STAFF MEMBERS: Donald E. Campbell
Thomas J. Andersen

SOURCE: INTERNALLY GENERATED

RESPONDENTS: Friends of Dave Eshleman and
Joe Rodriguez, as treasurer

RELEVANT STATUTE: 2 U.S.C. § 434(a)(6)(A)

INTERNAL REPORTS CHECKED: Disclosure Reports
Referral Materials

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Office of the General Counsel ("OGC") received a referral from the Reports Analysis Division ("RAD") on November 2, 2000. The basis of the referral is the failure of Friends of Dave Eshleman and Joe Rodriguez, as treasurer ("Respondents"), to file two 48-Hour notifications ("48-Hour Notices"), for contributions from the candidate totaling \$60,000. Dave Eshleman lost the 1999 Special General Election in the Forty-Second Congressional District in the State of California (CA/42) with seven percent (7%) of the vote.

II. FACTUAL AND LEGAL ANALYSIS

Based on the Factual and Legal Analysis, *see* Attachment 1, this Office recommends the Commission find reason to believe that Respondents violated 2 U.S.C. § 434(a)(6)(A).

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

21-04-405-3335

IV. **RECOMMENDATIONS**

1. Open a MUR.
2. Find reason to believe that Friends of Dave Eshleman and Joe Rodriguez, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the attached Factual and Legal Analysis and conciliation agreement, and the appropriate letter.

Lois G. Lerner
Acting General Counsel

21.04.05 14:05 3336
6/4/01

Date

BY: Abigail A. Shaine
Abigail A. Shaine
Acting Associate General Counsel

Attachments:

1. Factual and Legal Analysis
2. Proposed Conciliation Agreement



FEDERAL ELECTION COMMISSION

Washington, DC 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel *Red*

DATE: June 4, 2001

SUBJECT: RR00L-07- First General Counsel's Report

The attached is submitted as an Agenda document for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS

SENSITIVE

☒

NON-SENSITIVE

☐

72 Hour TALLY VOTE ☒

24 Hour TALLY VOTE ☐

24 Hour NO OBJECTION ☐

INFORMATION ☐

96 Hour TALLY VOTE ☐

DISTRIBUTION

COMPLIANCE

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Open/Closed Letters

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MUR

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DSP

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STATUS SHEETS

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Enforcement

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Litigation

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PFESP

☐

RATING SHEETS

☐

AUDIT MATTERS

☐

LITIGATION

☐

ADVISORY OPINIONS

☐

REGULATIONS

☐

OTHER

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21-04-405-333